

SECOND REGULAR SESSION

HOUSE BILL NO. 1668

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

3924H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 171 and 173, RSMo, by adding thereto two new sections relating to student journalists.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 171 and 173, RSMo, are amended by adding thereto two new sections, to be known as sections 171.200 and 173.1551, to read as follows:

2 **171.200. 1. This section and section 173.1551 shall be known and may be cited as**
3 **the "Cronkite New Voices Act".**

4 **2. As used in this section, the following terms mean:**

5 **(1) "School-sponsored media", any material that is prepared, substantially**
6 **written, published, or broadcast by a student journalist at a public high school;**
7 **distributed or generally made available to members of the student body; and prepared**
8 **under the direction of a student-media advisor. "School-sponsored media" does not**
9 **include any media intended for distribution or transmission solely in the classroom in**
10 **which the media is produced;**

11 **(2) "Student journalist", a public high school student who gathers, compiles,**
12 **writes, edits, photographs, records, produces, or prepares content for dissemination in**
13 **school-sponsored media;**

14 **(3) "Student-media advisor", an individual employed, appointed, or designated**
15 **by a school district to supervise or provide instruction relating to school-sponsored**
16 **media.**

17 **3. Subject to the provisions of this section, the freedom of the press in school-**
 sponsored media shall be protected. A student journalist has the right to exercise

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 freedom of speech and of the press in school-sponsored media. Material in school-
19 sponsored media shall not be suppressed solely because it involves political or
20 controversial subject matter.

21 4. School districts and student-media advisors may regulate the number, length,
22 frequency, and format of school-sponsored media. Review of material prepared for
23 school-sponsored media and encouragement of the expression of such material in a
24 manner that is consistent with professional standards of English and journalism shall
25 not be deemed to be or construed as an abridgement of the right to freedom of
26 expression in school-sponsored media or a restraint on publication of the material
27 therein.

28 5. A school district shall not authorize any prior restraint of any school-
29 sponsored media, except if the administration or student-media advisor reasonably
30 determines or anticipates that the media:

31 (1) Is libelous or slanderous;

32 (2) Constitutes an invasion of privacy;

33 (3) Violates federal or state law;

34 (4) Is a threat of violence;

35 (5) Advertises a product or service that is illegal or is not permitted to be sold to
36 minors by law;

37 (6) Violates the rights of others;

38 (7) Is likely to incite students to commit an unlawful act or to violate school
39 district policy or procedure; or

40 (8) Is likely to materially and substantially disrupt or interfere with the orderly
41 operation of the school.

42 6. Subject to the limitations imposed by this section, student journalists are
43 responsible for determining the news, opinion, and advertising content of school-
44 sponsored media. Student-media advisors are responsible for teaching and encouraging
45 free and responsible expression of material and professional standards of English and
46 journalism. No student-media advisor shall be disciplined, terminated from
47 employment, transferred, or relieved of duties imposed under this subsection for
48 refusal to abridge or infringe upon the right to freedom of expression conferred by this
49 section.

50 7. No publication or other expression of matter by students in the exercise of
51 rights under this section shall be deemed to be an expression of a school district's policy.
52 No school district, member of the board of education, student-media advisor, or
53 employee of a school district shall be held liable in any civil or criminal action for any
54 publication or other expression of matter by student journalists in the exercise of rights

55 under this section, except to the extent that such persons or entities actively participated
56 in the conduct that is the subject of the civil or criminal action or knew of the conduct
57 and failed to take timely action to prevent or withdraw such publication or expression
58 that is the subject of the civil or criminal action. A student journalist who has attained
59 the age of majority may be held liable in any civil or criminal action for material
60 expressed in student publications to the extent of such student journalist's responsibility
61 for and involvement in the preparation and publication of such matter.

62 8. Each school district shall adopt a written policy regarding the freedom of the
63 press and expression by students in accordance with this section. The policy shall
64 include reasonable provisions for the time, place, and manner of student expression.
65 The policy may also include limitations regarding language that may be defined as
66 vulgar, obscene, offensively lewd, profane, harassing, threatening, or intimidating.

173.1551. 1. As used in this section, the following terms mean:

2 (1) "School-sponsored media", any material that is prepared, substantially
3 written, published, or broadcast by a student journalist at a public institution of higher
4 education in this state; distributed or generally made available to members of the
5 student body; and prepared under the direction of a student-media advisor. "School-
6 sponsored media" does not include any media intended for distribution or transmission
7 solely in the classroom in which the media is produced;

8 (2) "Student journalist", a student of a public institution of higher education
9 who gathers, compiles, writes, edits, photographs, records, produces, or prepares
10 content for dissemination in school-sponsored media;

11 (3) "Student-media advisor", an individual employed, appointed, or designated
12 by a public institution of higher education in this state to supervise or provide
13 instruction relating to school-sponsored media.

14 2. Subject to the provisions of this section, the freedom of the press in school-
15 sponsored media shall be protected. A student journalist has the right to exercise
16 freedom of speech and of the press in school-sponsored media. Material in school-
17 sponsored media shall not be suppressed solely because it involves political or
18 controversial subject matter.

19 3. Subject to subsection 4 of this section, a student journalist is responsible for
20 determining the news, opinion, feature, and advertising content of school-sponsored
21 media. This subsection shall not be construed to prevent a student-media advisor from
22 teaching professional standards of English and journalism to student journalists.

23 4. This section does not authorize or protect expression by a student that:

24 (1) Is libelous or slanderous;

25 (2) Constitutes an invasion of privacy;

26 **(3) Violates federal or state law;**

27 **(4) Is likely to incite students to commit an unlawful act or to violate institution**
28 **policy or procedure; or**

29 **(5) Is likely to materially and substantially disrupt or interfere with the orderly**
30 **operation of the institution.**

31 **5. Except as provided in subsection 4 of this section, a student journalist at a**
32 **public institution of higher education in this state shall not be disciplined for exercising**
33 **such student journalist's freedom of expression in school-sponsored media.**

34 **6. A student-media advisor at a public institution of higher education in this**
35 **state shall not be dismissed, suspended, disciplined, reassigned, transferred, or**
36 **otherwise retaliated against for protecting or refusing to infringe on the rights of**
37 **student journalists outlined in this section.**

38 **7. No publication or other expression of matter by students in the exercise of**
39 **rights under this section shall be deemed to be an expression of an institution's policy.**
40 **No public institution of higher education or member of the institution's governing body**
41 **or employee thereof shall be held liable in any civil or criminal action for any**
42 **publication or other expression of matter by student journalists in the exercise of rights**
43 **under this section, except to the extent that such persons or entities actively participated**
44 **in the conduct that is the subject of the civil or criminal action.**

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